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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,926	12/08/2003	Kia Silverbrook	ZG184US	9683
24011	7590	05/18/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			WILLIAMS, KEVIN D	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/728,926

Applicant(s)

SILVERBROOK, KIA

Examiner

Kevin D. Williams

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/8/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/728936. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of copending Application No. 10/728936 disclose all of the limitations of the claims in the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5, 6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyd (US 6,322,206).

Boyd teaches an ink distribution assembly 12 for a printhead, comprising: a duct cover (bottom wall of 12 as shown in Fig. 2) in which is formed a number of inlet ports (col. 4, lines 41-45); each inlet port being associated with a cross flow channel that extends from a port to a duct opening; the duct cover sealing against a distribution molding, the distribution molding having a longitudinal axis and a number of ducts 202, 204, 206 running in parallel along the axis; each duct opening of the duct cover being located in registry with only one duct so that each port is in fluid communication with only one duct; all of the ducts having a lower duct portion which is sealed against and in fluid communication with an upper layer 72 of a laminated ink distribution structure; the laminated ink distribution structure having a first layer 72 in which is formed a number of first holes 86, each first hole being in registry with a lower duct portion; the laminated ink distribution structure having a number of subsequent layers 73, each subsequent layer

having vertical passages (Figs. 13-16) and transverse channels (Figs. 13-16) for bringing a fluid from a duct, via the first layer, to one of a number of printhead chips 30 located as an array in a chip restraining layer, wherein a subsequent layer in the laminated ink distribution structure comprises an electrically conductive film 64 which is electrically connected to the chip, which film extends out of the laminated ink distribution structure and extends to make electrical contact with a printhead controlling printed circuit board 22, the laminated ink distribution structure further comprises a laminated manifold 32 for distributing liquids from a number of ink holes in a first layer to a greater number of ink delivery locations associated with the printhead chips, a subsequent layer comprises a final layer in which is formed an array of chip slots 84 for receiving the printhead chips, the chip slots each receive a nozzle guard assembly 30 that protects an associated printhead chip, the printhead has a longitudinal axis and the individual printhead chips 30 are arranged at an angle to the longitudinal axis of the printhead, with a slight overlap (Fig. 2) between each print chip which enables continuous transmission of ink over the entire length of the array, the distribution molding 202,204,206 is located between the duct cover and the laminated ink distribution structure within a chassis; and the laminated ink distribution structure having a layer in which is located a plurality of printhead chips which are controlled by the printed circuit board, the chips dispensing ink into a paper path which passes through the chassis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Miura (US 4,555,717).

Boyd teaches the claimed invention except for the layers comprising air distribution passages which carry compressed air to a location near each of the printhead chips for discharge between each of the printhead chips and the nozzle guards.

Miura teaches layers comprising air distribution passages 7,9 which carry compressed air to a location near each of the printhead chips for discharge between each of the printhead chips and the nozzle guards.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boyd to have the air passages as taught by Miura, in order to provide an effective and durable means of ejecting the ink from the printheads.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Waller (US 6,250,738).

Boyd teaches the claimed invention except for the laminated ink distribution structure further comprising layers of a micro-molded plastic forming a distribution stack in which transverse channels in one or more layers lead to and from through holes which carry ink between layers.

Waller teaches a laminated ink distribution structure comprising layers of a micro-molded plastic (col. 8, lines 19-21) forming a distribution stack in which transverse

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channels in one or more layers lead to and from through holes which carry ink between layers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Boyd to have the micro molded plastic as taught by Waller, in order to utilize a durable yet inexpensive material for the distribution structure.

***Allowable Subject Matter***

8. Claims 11-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claim 11 is the limitation of an air duct within which is located an air valve molding with a series of apertures, the apertures having a spacing corresponding to air passages formed in the air duct so that the apertures can be brought into and out of alignment with the passages to selectively allow pressurized air through the laminated ink distribution, in combination with the other claimed structure.


***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW  
May 11, 2005



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